

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BRANDON MARTINEZ, individually and
on behalf of all others similarly situated,

Plaintiff

v.

INTEGRATED CAPITAL RECOVERY
LLC, DNF ASSOICATES LLC, and
DOES 1-25,

Defendants

CASE NO. 1:20-CV-0582 AWI SAB

ORDER ON STIPULATION,
EXTENDING DEADLINE TO RESPOND
TO MOTION TO DISMISS, VACATING
JULY 13, 2020 HEARING, AND
RESETTING HEARING TO AUGUST
17, 2020

(Doc. No. 8)

This is a Fair Debt Practices Act (15 U.S.C. § 1692 et seq.) case. On June 5, 2020, Defendant DNF Associates LLC filed a motion to dismiss. See Doc. No. 6. Hearing on the motion is set for July 13, 2020. On June 26, 2020, the parties filed a stipulation pursuant to Local Rule 144(a) whereby Plaintiff's opposition/response to the motion to dismiss would be due on July 27, 2020. See Doc. No. 8. The parties state that, pursuant to Local Rule 144(a), the stipulation is self-executing and no court order or approval is necessary. See id.

The parties plainly misread Local Rule 144(a). To be sure, Local Rule 144(a) does permit that certain stipulations for an extension of time may be filed without Court approval, which essentially means that the stipulation is self-executing. See Local Rule 144(a). However, those stipulations are limited to extensions to "respond to a complaint, cross-claim or counterclaim, or to respond to interrogatories, requests for admissions, or requests for production of documents" Id. Pointedly absent from this list are responses to Rule 12 motions (or any other motion). Thus, responses to Rule 12 motions fall within the second category of extensions in Local Rule 144(a): "All other extensions of time must be approved by the Court." Id. Therefore, the parties' stipulation is wholly ineffective as a self-executing document. See id.

1 Despite all parties' misreading of Local Rule 144(a), the Court has reviewed its calendar
2 and will give effect to the stipulation. Any other requests or stipulations for extensions of time
3 shall comply with the plain language of Local Rule 144(a).

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5 **ORDER**

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. The July 13, 2020 hearing date is VACATED;
8 2. The hearing on Defendant's motion to dismiss is RESET to August, 17, 2020 at 1:30 p.m.;
9 3. Plaintiff's opposition to the motion to dismiss shall be filed on July 27, 2020;
10 4. Defendant's reply shall be filed on August 10, 2020.

11 IT IS SO ORDERED.

12 Dated: June 30, 2020

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14 SENIOR DISTRICT JUDGE
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